IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2897 OF 2006.

1. Anil Baban Ghate
2. Kiran Dattatraya Shinagare
3. Dawood Nabilal Mundhe
4. Somnath Kisan Admane
5. Anand Bhimrao Khendad
6. Bhau Sidram Mane ... Applicant

V/s

The State of Maharashtra ..Respondent.

Mr. V.V. Purwant for the applicants.
Mr. R.Y. Mirza A.P.P. for the State.

CORAM : S.C. DHARMADHIKARI, J.
DATE : 21ST AUGUST, 2006.

P.C.

. Heard Mr. Purwant appearing for the applicants and Mr. Mirza, A.P.P. appearing for respondent.

2. The applicants are the oringal accused in CR.No. 78/2006. The offences alleged are under Section 395, 452, 336, 427 of Indian Penal Code.

3. One Dr. Sachin Payande, who is Medical Practitioner lodged the aforesaid complaint alleging that the applicants suddenly stormed into his dispensary/Nursing home armed with weapons and threatened him. Later on they ransacked the premises

and damaged the equipments. Some of the accused were carrying swords and sticks. One of the accused had placed sword near his chin and others armed with knives stood beside him. Other accused carrying iron bars and sticks threatened him and told him to part with some amount otherwise he would suffer dire consequences. Some cash amount was also taken away, apart from the equipments and other articles being damaged.

4. The applicants' bail application was rejected by the trial Court merely on the ground that investigation is in progress and also because there was a Yatra in the village and the presence of the accused at the village would create law and order problem.

5. After this application was argued for some time by both the sides and the statement of the complaint was perused, I am of the view, that the allegations principally being of threatening the doctor and damaging the equipments and taking of cash amount but no harm or injury has been caused, with stringent conditions the applicants can be enlarged on bail. The incident occured on account of election of Sugar Factory and complainant and accused constituted rival groups.

Hence, the following order would meet the ends of justice.

i) The applicants arrested in connection with CR.No. 78/2006 registered with Vairag Police Station, shall be enlarged on bail subject to furnishing a personal bond of Rs. 10,000/- each with one or two local sureties in the like amount.

ii) The applicants shall not enter the limits of village Vairag until the chargesheet is filed and for a period of two weeks thereafter.

iii) Mr. Purvant states that upon release the applicants would reside in Barshi and would furnish thereafter of their residence and other details and also report at Barshi Police Station twice in a week till the charge sheet is filed and to abide by further orders and directions of the trail Court.

iv) The order of bail will be given effect only after the applicants furnishes to the investigating officer the details about their place of residence and address where they proposes to stay after they areenlarged on bail. The applicants will not change

their residential address thereafter till the conclusion of the trial without prior intimation to the Investigating officer.

v) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

vi) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vii) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

viii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)